

EXHIBIT B

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

3 RICHARD CHAKEJIAN,)
4 Plaintiff,)
5 vs.)
6 EQUIFAX INFORMATION) FILE NO. C.A. No. 07-2211
7 SERVICES, LLC,) CLASS ACTION
Defendant.)

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Q Now, am I correct, ma'am, that a part of
the information on any consumers' Equifax credit
file could be public records information?

1 A Yes.

2 Q And what I mean by public records is
3 information about bankruptcies, tax liens, and
4 judgments. Is that what you understand it to be
5 also?

6 A Yes.

7 Q Is there anything else that would be part
8 of public records? Other than bankruptcies,
9 judgments, and tax liens.

10 A No.

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Q And you said Equifax obtains its
information from vendors, correct?

A Yes.

Q What are vendors?

A Well, vendors, actually it has quite a few
meanings when it comes to Equifax. We have vendors
that act as Equifax agents that, you know, read

1 letters and handle consumer disputes, take telephone
2 calls, goes to the courthouse, picks up courthouse
3 records on our behalf acting as our agents, you
4 know. In other instances, a vendor would be the,
5 the entity where we purchase our paper from, the
6 paper that we use to print out credit reports. The
7 service, you know, any service that we, is provided
8 to us could be categorized as being used by vendor.

9 Q If we focus on obtaining public records as
10 we define them in this deposition --

11 A Uh-huh.

12 Q -- from government buildings and
13 courthouses in Pennsylvania, who is the vendor who
14 Equifax has used in the last two years?

15 A Well, the vendor itself has actually gone
16 through a few name changes, but today it's called
17 LexisNexis.

18 Q And previous to that what was the vendor's
19 name?

20 A I believe it was NDR and then ChoicePoint
21 and then, you know, today it's LexisNexis.

22 Q Is the vendor as it relates to public
23 records a separate company from Equifax?

24 A It is.

25 Q It's not a subsidiary of Equifax, correct?

1 A No.

2 Q It is just a separate business that
3 Equifax contracts with for particular services?

4 A Yes.

5 Q And your understanding of the history is
6 that the NDR business became ChoicePoint and most
7 recently ChoicePoint became LexisNexis for purposes
8 of the public records business?

9 A Yes.

10 Q So currently Equifax contracts with
11 LexisNexis?

12 A Yes.

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10 Q And would ChoicePoint respond to that ACDV
11 through the EOSCAR system and get back to Equifax?

12 A Yes. But actually it's, I recently
13 learned it's not EOSCAR but it's an electronic
14 system such as EOSCAR. It's an EOSCAR like system.
15 EOSCAR is for the credit granters. But it is, you
16 know, a system between Equifax and ChoicePoint to
17 receive the ACDVs, and then it comes back through
18 the, the same system back to us.

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23 Q So would you agree with me that at least
24 in that regard the vendor uses or is used in the
25 same function as a credit furnisher for public

1 record disputes?

2 MR. PERLING: Objection to form.

3 THE WITNESS: I don't think so. I mean,
4 I, I don't, I think we had this conversation
5 before, and I don't, I don't think so. I mean,
6 the source is the courthouse, and the vendor is
7 the one that's going to the courthouse to get
8 that information from, or for us.

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3 Q. (BY MR. SOUMILAS) All right. Is
4 ChoicePoint Equifax's furnisher of public records
5 information?

6 MR. PERLING: Objection to form. It calls
7 for a legal conclusion. You can still answer.

8 THE WITNESS: A furnisher? I don't think
9 that we consider them as a furnisher. I mean,
10 the furnisher is the source.

11 Q. (BY MR. SOUMILAS) You did tell me that
12 ChoicePoint supplies Equifax with information in the
13 first place, correct?

14 A. Yeah.

15 Q. And ChoicePoint would handle disputes
16 through the ACDV exchange?

17 A. Uh-huh.

18 Q. A bank, correct?

19 A. Yes.

20 Q. Who is Equifax's furnisher for public
21 records information in Pennsylvania?

22 A. The furnisher? I mean, again, we're,
23 we're playing on, on words here, but a furnisher to
24 me is considered the source of the information. So
25 in an unfortunate event, all the courthouses burn

1 down, there would be no data. There would be no
2 information. So the, ChoicePoint is the vendor
3 going to the source, or to the furnisher, to get
4 that information.

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2 Q So going back to my question of who
3 furnishes information to Equifax about public
4 records in Pennsylvania, what's the answer to that
5 question?

6 A The courthouses. I mean, I, I truly
7 believe it's the courthouses.

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20 Q (BY MR. SOUMILAS) Let me try it another
21 way. Does Equifax aim to provide all of the
22 disclosures to consumers that are required by the
23 Fair Credit Reporting Act?

24 A Yes.

25 Q In other words, when it's part of a file

1 Equifax gives a consumer a statement of their
2 rights. That's something that it does in compliance
3 with the FCRA, correct?

4 A Yes.

5 Q And when Equifax provides information on
6 how to make a dispute, that is another bit of
7 information that is done in compliance with the Fair
8 Credit Reporting Act, correct?

9 A Yes.

10 Q So Equifax knows that it needs to provide
11 certain information under the Fair Credit Reporting
12 Act to consumers for free?

13 A Yes.

14 Q Now, when it comes to disputes and a
15 consumer makes a dispute about a public record, am I
16 correct that Equifax will respond to that consumer
17 in writing?

18 A Yes.

19 Q And that communication will also provide
20 information about the results of the investigation,
21 correct?

22 A Yes.

23 Q And that is, again, for free provided to
24 the consumer?

25 A Yes.

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4 Q Let me try it another way. The bankruptcy
5 that Mr. Chakejian was specifically disputing, did
6 Equifax obtain information about that bankruptcy
7 from ChoicePoint or any of its corporate
8 predecessors?

9 A ChoicePoint provided the information
10 through the bankruptcy court, yes.

11 Q The information that Equifax received was
12 from ChoicePoint; is that correct?

13 A Yeah. It was a, a second stop, yes.

14 Q And your understanding is that ChoicePoint
15 or its corporate predecessors went to the bankruptcy
16 court to get that information?

17 A Yes.

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1 Q Have you ever seen the data in the
2 ChoicePoint database as it was supplied to Equifax?

3 MR. PERLING: Objection to form.

4 THE WITNESS: No, I haven't.

5 Q (BY MR. SOUMILAS) All right. And am I
6 correct that in the case of Mr. Chakejian the source
7 of the bankruptcy for Equifax was ChoicePoint?

8 MR. PERLING: Objection to form. Been
9 asked.

10 THE WITNESS: No. The fact that there was
11 a public record, the source, as we had previous

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15 Q (BY MR. SOUMILAS) You agree with me that
16 no employee of Equifax directly went to the
17 courthouse about this bankruptcy?

18 A No employee at Equifax, but the vendor was
19 acting as our agent. They were acting as Equifax.

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3 Q And why wouldn't Equifax use that address
4 on a cover letter like Fluellen 3 for ChoicePoint?

5 MR. PERLING: Objection to form. You
6 can --

7 THE WITNESS: Again, we're using,
8 identifying the source as the public record
9 vendor, I mean, excuse me, as the public record
10 holder, which is the courthouse. We're taking
11 responsibility for any questions that the
12 consumer may have.

13 And to be quite honest, I feel that it
14 would probably be a little bit more confusing
15 if we were to provide information or the
16 address to ChoicePoint because ChoicePoint does
17 not have the credit file. They would not know
18 what the credit file shows. So we are trying
19 to take responsibility and minimize confusion
20 by directing the consumer to us and the
21 courthouse because that's where the source,
22 that's where we feel the source of the
23 information is.

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Q You mentioned that one of the reasons was
that you think it would be confusing to consumers to
identify that Equifax uses ChoicePoint for its
public record information. Why do you say that?
Why would it be confusing?

A Well, I mean, I have now 15 years of
working with consumers. And the consumers contact
us; they write us; they call us. And if information
needs, they feel needs to be updated, they want to
know who will be able, who is in a better position

1 to be able to update, update that information.

2 So using that experience, when you have an
3 item on the credit file, you have two entities that,
4 from my understanding where consumers are concerned,
5 really matter. You've got the original source of
6 the information. We're talking about public
7 records; that would be the courthouse, and then
8 you've got Equifax that actually has the information
9 on the credit file that can be updated. So that's
10 what I'm drawing that conclusion on.

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11 Q This is, again, standard documentation
12 within ACIS. That's how the investigation would be
13 memorialized?

14 A Yes.

15 Q And then the maintenance sheet summary
16 describes what happened, correct?

17 A Yes.

18 Q And then the last page, which is Bates 72,
19 is the ACDV that Equifax sent to ChoicePoint,
20 correct?

21 A Yes.

22 Q And then it received a response back from
23 ChoicePoint verified as reported, correct?

24 A Yes.

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5 Q (BY MR. SOUMILAS) And, Ms. Fluellen, do
6 you recognize Fluellen 5 as a package of information
7 for a follow-up dispute that Mr. Chakejian made to
8 Equifax concerning this same bankruptcy?

9 A Yes.

10 Q So looks like a couple of months
11 wrote to Equifax another letter and this ti
12 included a certified and stamped court order
13 that there should be no bankruptcy in his credit
14 file, correct?

15 A Yes.

16 Q Am I correct that in handling this March
17 2007 dispute Equifax, in fact, accepted
18 Mr. Chakejian's dispute and his documentation and
19 removed the bankruptcy?

20 A Yes.

21 Q If you look, in fact, at Bates 97, that is
22 part of the ACIS record for that investigation,
23 correct, ma'am?

24 A Yes.

25 Q And it reads that consumer sent dismissal

1 order dated 3-1-07 it looks like.

2 Update/suppress/delete per acceptable documents,
3 what does that mean?

4 A Update per the documents that we received.

5 Q So it worked the second time around for
6 Mr. Chakejian to remove this bankruptcy, correct?

7 A Yes.

8 Q And the bankruptcy was, in fact,
9 permanently deleted?

10 A Yes.

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